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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,190	01/22/2004	Kun-tae Kim	Q78337	2320
23373 7590 08/28/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER				
LIN, JASON K				
ART UNIT		PAPER NUMBER		
2425				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/761,190	Applicant(s) KIM, KUN-TAE
Examiner JASON K. LIN	Art Unit 2425

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 July 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425

Continuation of 11, does NOT place the application in condition for allowance because: A) Applicants assert on P.3: lines 17-23 that "there is no teaching or suggestion in Jung'360 that its stream source device (100), which transmits an HD transmission packet stream wirelessly to a display device, would also convert the HD transmission packet stream into an SD transmission packet stream." In response the examiner respectfully disagrees. The examiner had used Jung'360 for the teaching of processing of one of the first TS and second TS and wirelessly transmitting the processed output. Jung'360 however did not explicitly teach whether these first and second TS were HD, SD, progressive, or interlaced signals. The examiner is unsure as to how the applicant came to the conclusion that Jung'360's stream source device transmits HD transmission packets. Furthermore, HD and SD limitations are no longer part of the claimed invention and no longer hold anymore patentable weight, so applicant's arguments are also moot in this regard.

B) Applicants assert on P.5: lines 4-13 that Jung'097 "fail to teach or suggest the particularly claimed conversion by separating fields from the progressive scanning image signal and transmitting the separated fields..." In response the examiner respectfully disagrees. Col 51 - Col 11: line 7 of Jung'097 teaches progressive to interlaced scanning conversion and outputting the interlaced signal for transmission. This particular claim limitation states "separating fields from the progressive scanning image signal and transmitting the separated fields." As it is well known in the art a progressive image signal is an image that can be displayed on the screen by scanning each line in a sequential order (ie. 1, 2, 3, etc) down the screen from top to bottom every 60th of a second. Interlaced image signal is an image that is displayed on screen in an alternate order (ie. 1, 3, 5, etc... followed by 2, 4, 6, etc) by interlacing alternate lines every 30th of a second. In a progressive to interlaced conversion, the scan lines of the progressive signal must be divided into even and odd to create the scan lines for the interlaced signal. Once process is done, these separated fields (odd and even) that the interlaced signal is composed of is transmitted as taught in Jung'097, thereby, meeting the claimed limitations. The current claimed limitations do not specify and go further into detail as to what these separated fields may be, so as is, the limitations are met by Jung'097.

Further, on P.5: line 14 - P.6: line 6, applicants assert that the arguments made by the examiner are not appropriate based on the SW9 that is shown on Fig.2 of Jung'097. In response the examiner respectfully disagrees. The cited portions of Jung'097 meet the limitations of the claimed invention as cited in P.4-5 of the office action. Please note that even in applicant's own invention in Fig.3 shows HD and SD image signals from outside (which in applicant's specifications are 480p and 480i, progressive and interlace signals). Examiner does not see how this would render examiner's arguments inappropriate. The cited portions teach the claimed limitations, and therefore applicant's arguments seem not to be appropriate in this regard.

On P. 6: lines 7-16 Applicant's assert that "Jung'097 does not teach the function of selecting one of the interlaced scanning data that is converted from progressive scanning data, and original interlaced scanning data..." In response the examiner respectfully disagrees. The examiner believes SW10 was not referenced to in the rejection, but instead the examiner referred to SW9 (refer to P.5 of the office action). Fig.2, Col 10: line 51 - Col 11: line 7 teaches that both progressive and interlaced signals can be received. If a progressive image is received. It is converted to an interlaced signal and then processed, but if an interlaced signal was received it is just passed through and processed. It can be clearly seen that these limitations are taught by the cited portions of Jung'097. Please take note that the examiner had referred to SW9 and did not refer to SW10 for which the applicant is basing their assertions on.

C) Applicant's assert on P.7: lines 10-14 that Saito does not teach "a converted, which converts the progressive scanning image signal input from outside in to the interlaced scanning image signal and outputs the interlaced scanning image signal as an output of the converter by separating the fields from the progressive scanning image signal and transmitting the separated fields." In response the examiner respectfully disagrees. Please see parts A and B where Jung'360 and Jung'097 taught all the previous limitations, but just did not teach "an encoding unit, converting the signal to a second TS and where the second signal is the second TS." Saitoh was brought in to teach that particular part missing from Jung'360 and Jung'097 as shown in P.6-7 of the office action.

D) Applicant's assert on P.8: line 11 - P.9: line 5 that "Levandowski does not teach or suggest any switching or selection occurring in the triple decoder and CPU (216), nor does Levandowski teach or suggest a switching or selection between an internal SD image signal and an external or internal input SD image signal." In response the examiner respectfully disagrees. Again the examiner would like to point out that the current claims refer to progressive and interlaced images and no longer refer to HD or SD images. Furthermore, Jung'360 taught the selection and switching limitations, but did not explicitly teach "a decoding unit which decodes the output and outputs a decoded TS stream to an image device connected to the set top box by a wire" for which Levandowski was brought in to teach.

Therefore, in view of the following, the combination of Jung'360, Jung'097, and Saitoh and other cited references in the office action, continue to teach the claimed invention of record. The examiner maintains the current ground(s) of rejection..